

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:     Malcolm M. Smith  
Serial No.:               10/033,572  
Filing Date:             November 2, 2001  
Confirmation No.:        9167  
Group Art Unit:          2614  
Examiner:                Alexander Jamal  
Title:                    WIRELESS COMMUNICATION SYSTEMS WITH  
                            SIGNAL SELECTION AND COMBINATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

NOTICE OF APPEAL

In response to the Advisory Action mailed September 6, 2006, Applicant respectfully requests the Board of Patent Appeals and Interferences to reconsider the rejections to the claims and the objections to the Application.

REMARKS

This Application has been carefully reviewed in light of the Advisory Action mailed September 6, 2006. Applicant respectfully requests consideration and favorable action in this Application.

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decisions of the Examiner mailed September 6, 2006 and June 23, 2006 finally rejecting Claims 1-40.

This application is filed on behalf of a large entity.

Attached herewith is a Request for Pre-Appeal Brief Review for consideration with this Notice of Appeal.

Please charge Deposit Account No. 02-0384 of BAKER BOTTS L.L.P. an amount of \$500.00 to satisfy the Notice of Appeal fee under 37 C.F.R. §1.17(b).

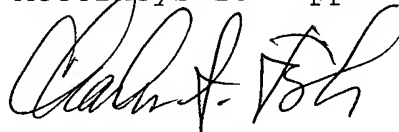
CONCLUSION

The Commissioner is hereby authorized to charge any other fees or credit any overpayments associated with this Application to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicant

A handwritten signature in black ink, appearing to read "Charles S. Fish", is written over the printed name.

Charles S. Fish

Reg. No. 35,870

September 25, 2006

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